



UNITED STATES PATENT AND TRADEMARK OFFICE

05

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,780	10/16/2000	Gerald R. Koefelda	RPC0456PUS	1559

7590 10/29/2002

KONSTANTINE J. DIAMOND
Brooks & Kushman P.C.
22nd Floor
1000 Town Center
Southfield, MI 48075-1351

EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No.	Applicant(s)
	09/688,780	KOEFELDA ET AL.
	Examiner Steven M Marsh	Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 June 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8, 12-19 and 21-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 12-18 and 22-27 is/are allowed.

6) Claim(s) 1-7, 19, 21, 28 and 29 is/are rejected.

7) Claim(s) 8 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

This is the second office action for U.S. Application 09/688,780 for a Shipping Pod filed by Gerald R. Koefelda on October 16, 2000. Claims 9-11 and 20 have been canceled.

Allowable Subject Matter

The indicated allowability of claim 19 (formerly dependent claim 20) is withdrawn in view of U.S. Patent 2,893,665 to Paulsen. Rejections based on the reference(s) follow.

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12-18 and 22-27 are allowed. The following is an examiner's statement of reasons for allowance: The prior art does not disclose a shipping pod with a top wall with an opening for receiving an attachment member attached to a large object, an inner perimeter wall extending down from the top wall, and an outer perimeter wall extending outwardly and upwardly from the inner wall and forming a pocket therebetween.

Claim Rejections - 35 USC § 102

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,893,665 to Paulsen. Paulsen discloses a shipping pod that could support a large object that has a planar top wall (7) for mating to the bottom surface of the large object.

Art Unit: 3632

The top wall has at least one opening through which a threaded member could be extended for attaching the shipping pod to the large object. There is a perimeter wall (8) that extends downwardly and outwardly from the top wall. The perimeter wall has an exterior surface facing away from the top wall and an interior surface facing inward and the interior surface of the shipping pod would nest proximate to the exterior surface of a second subjacent shipping pod when in a stacked orientation. The exterior and interior wall surfaces result in the sidewall member forming a double wall construction with an inner and outer wall member. The top wall and the perimeter wall, which extends down from it and appears to extend beyond the outside perimeter of the large object, act together to form a compartment therebetween, wherein the compartment could receive the upper wall of a second shipping pod.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen in view of U.S. Patent 3,443,530 to Carlson. Paulsen does not disclose a top wall with a non-annular opening that allows the attachment member to be movable laterally within the opening. Carlson discloses a leg-positioning member

Art Unit: 3632

(24) that has an elongate opening (32) to allow the attachment member (62) of a leg to be movable laterally within the opening. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided an elongate opening as taught by Carlson, to receive the attachment member taught by Paulsen, for the purpose of providing a means to position the object at different locations relative to the pod.

Claims 2-4, 6, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen in view of Carlson, in further view of U.S. Patent 4,051,787 to Nishitani et al. Paulsen in view of Carlson does not disclose a shipping pod with an anti-slip member for contacting the bottom surface of a large object. Nor does Paulsen in view of Carlson disclose an undersurface with a plurality of ribs. Nishitani et al. discloses the use of grommets as a "common anti-slip measure". (see figures 20-25). Nishitani et al. also discloses a platform with an undersurface having a plurality of ribs (5). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided an anti-slip means such as grommets in the openings taught by Paulsen in view of Carlson, as taught by Nishitani et al. It would also have been obvious to place ribs underneath the top wall taught by Paulsen, as taught by Nishitani et al., for the purpose of providing reinforcement for the top wall.

Claim 7 is rejected under 35 U.S.C 103(a) as being unpatentable over Paulsen in view of Carlson. The pod taught by Paulsen does not have a rectangular shape, but that is a matter of design preference and would have been obvious to one of ordinary skill in the art at the time of the present invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

SM
Steven M. Marsh
October 15, 2002

Anita King
ANITA KING
PRIMARY EXAMINER